

REMARKS

As a preliminary matter, the examiner refused to grant an interview because an interview was conducted on September 26, 2002. Applicants' attorney observes that three RCE's have been filed since the interview, and another interview might have expedited the already lengthy prosecution of this case. Another interview would not have placed an undue burden on the examiner. In any event, this paper will place the application in condition for appeal if it is not allowed, progressing prosecution, with or without another interview.

Claims 6-8 stand rejected under § 103 on the basis of Kilmer et al. '656 and Larsson '899 or Larsson '403. Applicant traverses this rejection for the reasons given in Amendment F, to which the examiner has not responded. Those reasons are (a) Kilmer '656 is not analogous art, and (b) the pump described in Kilmer does not have the features used in the present invention of claims 6-8.

Kilmer discloses a portable electric desoldering tool, and the present invention is directed to apparatus for expressing milk. The reference is clearly in a different field, and cannot be used in a § 103 rejection of the present claims (M.P.E.P. § 2141.01(a)). Combining Kilmer with another breast pump patent (Larsson) does not remedy this deficiency of the Kilmer patent.

Moreover, Kilmer does not disclose (or suggest) the pump used in the present invention. The motor in Kilmer moves a diaphragm using an eccentrically rotating shaft 126. The shaft 126 reciprocates a piston 140, which in turn moves a diaphragm 136 (col. 6, lines 48-56). The shaft 126 is not threaded, and does not translate

motor rotation into diaphragm oscillation through the threaded engagement recited in claim 6 of the present application. The motor does not have the threaded shaft of claim 7, nor is the motor shaft in Kilmer in threaded engagement with the diaphragm, as in claim 8. Thus, even combined, the cited references would not produce the present invention. This is strong evidence of nonobviousness.

The examiner has simply not established a *prima facie* case of obviousness. In addition to the reasons just given, the examiner has not established a suggestion or motivation to combine and modify the cited references to derive the present invention. Indeed, applicant submits that there is no motivation or suggestion. The motor in the Kilmer desoldering tool would not meet the power requirements of a breast pump, so one skilled in the art would not consider it, assuming *arguendo* that a breast pump designer would consider electric desoldering tools at all. A motor pump arrangement like the one in Kilmer but powerful enough to pump milk would be large and heavy, and would not address the problem solved by applicants, i.e., smaller and lighter pumps for breast pumps. Accordingly, withdrawal of this rejection respectfully requested.

For the foregoing reasons, applicant believes that this case is in condition for allowance, which is respectfully requested. The examiner should call applicant's attorney if an interview would expedite prosecution.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By



Patrick G. Burns
Registration No. 29,367

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300 South Wacker Drive
Suite 2500
Chicago, Illinois 60606
Telephone: 312.360.0080
Facsimile: 312.360.9315
Customer No. 24978